<u>REMARKS</u>

1.   Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-38 are pending in this application.

Claims 1-38 have been rejected under 35 U.S.C. §103(a) as being obvious over by U.S. Pat. No. 5,828,747 to Fisher et al.

2.   Claims 1-38 have been rejected as being obvious over Fisher et al. In response, independent claims 1, 14, 27 and 38 have been further limited to the step of (and apparatus for) "in an overstaffed situation, processing a call of a first type of the types determined in the target occupancy matrix; and assigning the call to an agent of the agents of the automatic call distributor with a largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target occupancy of calls of the first type determined for the agent in the target occupancy matrix; and in an understaffed situation, when an agent of the agents becomes available, selecting a call from a queue of a work type of the plurality of work types having a largest relative difference between actual occupancy and target occupancy among the work types of the available agent; and assigning the selected call to the available agent".

Support for the over-staffed limitation may be found on page 6, line 10 to page 11, line 8. Support for the under-staffed situation may be found on page 11, lines 9-16.

Independent claims 1, 14, 17 and 38 have also been

limited to the context "where total occupancies among at least some of the agents are not equal". Support for this limitation is shown in Tables I and II where at least some of the total occupancies (Tocc(j)) of call types handled among at least some of the agents are shown not to be equal.

With regard to the rejections, it is noted that Fisher et al. does not differentiate between the over-staffed and understaffed condition. In fact, Fisher et al. is limited to the overstaffed condition where the arrival of a call triggers a search for a least-occupied agent. For example,

"Allocation of calls to logged-in agents is performed by function 150 in the manner shown in FIG. 6. When a (next) call becomes available for handling, at step 600, function 150 considers the occupancy data in data structures 700-701 of all logged-in agents who have the skills that are needed to handle that call and who are presently idle and hence available to handle the call, and determines the effect of the call allocation on the occupancy of individual ones of those agents, at step 602. Function then allocates the call to the agent on whose occupancy the call has the best effect, at step 604, and ends, at step 606" (Fisher et al., col. 5, lines 52-62).

See references to idle agent (col. 4, line 10, line 12, line 29, line 33, line 37, line 38); actual idle time (col. 5, line 28, line 32, line 33), mostidle agent (col. 5, line 30) and actual and target idle times (col. 5, line 27, line 32, line 33; col. 6, line 3, line 5, line 6, lines 8-9).

Since Fisher et al. is limited to the overstaffed condition, there is no method step of (or apparatus for) "in an understaffed situation, when an agent of the agents becomes available, selecting a call from a queue of a work type of the plurality of work types having a largest

relative difference between actual occupancy and target occupancy among the work types of the available agent; and assigning the selected call to the available agent". Since Fisher et al. fails to teach at least this claim element, the rejection is believed to be improper and should be withdrawn.

It may be noted next that any target occupancy of Fisher et al. is determined by a formula. Fisher et al. explicitly states that "The formula used to compute the occupancy is a function of the demands of equity: if equity demands that all agents handle the same number of calls, call-distribution function 150 determines the number of calls that have been handled by the idle agent in a predetermined time period, e.g., within the last hour, or since the agent last logged in, at step 304; but if equity demands that all agents spend the same amount of time handling calls, call distribution function 150 determines the percentage of time that has been spent by the idle agent on handling calls in a predetermined period, e.g., within the last hour, or since the agent last logged in, at step 305" (Fisher et al., col. 4, lines 25-27).

In contrast, independent claims 1, 14, 27 and 38 specifically exclude the demands of equity. In this regard, claims 1, 14, 27 and 38 are explicitly limited to the context "where the total occupancies among at least some of the agents are not equal".
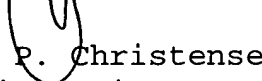
Further, since Fisher et al. is specifically directed to the equitable distribution of calls, any change in Fisher et al. to assign call in an inequitable or unequal manner among its agents would render Fisher et al. unsatisfactory for its intended use. Since Fisher et al. could not be modified without changing an essential

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characteristic of Fisher et al., any rejection based upon
Fisher et al. would now be improper and should be
withdrawn.

3.   Allowance of claims 1-38, as now presented, is
believed to be in order and such action is earnestly
solicited.   Should the Examiner be of the opinion that a
telephone conference would expedite prosecution of the
subject application, he is respectfully requested to
telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By:
Jon P. Christensen
Registration No. 34,137

May 9, 2005
WELSH & KATZ, LTD.
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois   60606
312-655-1500